IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16234 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AYESHABIBI ABIDALI PATHAN W/O.ABIDALI

Versus

OFFICER OFFICE OF DIST.SOCIAL SECURITY

Appearance:

1. Special Civil Application No. 16234 of 2004

MS HINA DESAI for Petitioner No. 1

MR PRADEEP BHATE, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 28/12/2004

ORAL JUDGEMENT

Rule. Shri Pradeep Bhate, Learned AGP waives service of rule on behalf of the respondents. With the consent of the parties, the matter is taken up for final

hearing today.

2. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction and order directing the respondents to grant widow financial assistance to the petitioner and to grant arrears of such financial assistance with 6% interest.

3. Ms.Hina Desai, Learned Advocate appearing for the petitioner has submitted that the husband of the petitioner has died on 2.3.2002. She is having four minor children and under the scheme, the petitioner was and is entitled to widows' financial assistance. She has also further submitted that the petitioner has made an application to the respondent and after proper inquiry and scrutiny, the application of the petitioner for grant of widow's financial assistance was accepted and the petitioner was paid widow's financial assistance till June, 2004. However, thereafter, the petitioner is not paid the widows' financial assistance and therefore, the petitioner had preferred the present petition for the aforesaid prayers.

4. In response to the notice issued by this Court, Shri Pradeep Bhate, Ld. AGP appears on behalf of the respondent. An affidavit in reply is filed on behalf of the respondent in which it is submitted that under the Scheme, the petitioner is required to produce certain cerificates every year i.e. in the month of April to satisfy the authority whether the position has been changed or not. It is also submitted that the petitioner is required to produce the recent income certificate, fresh certificate issued by the Mamlatdar whether the petitioner has remarried or not and also the birth certificate of the children to satisfy whether the children have attained the age of majority or not. It is submitted in the affidavit in reply that as the petitioner has not produced the aforesaid certificates though time and again, the petitioner was informed and therefore, widow's financial assistance is not paid. At this stage, Ms.Hina Desai, Learned Advocate has submitted that some of the documents/certificates are already with the respondents and if there are any other documents or certificates which are required to be produced by the petitioner, the same will be produced within a period of 15 days. Under the circumstances, on production of necessary cetificates which are required to be produced as per the scheme with regard to widow's financial assistance, the respondents are directed to consider the same and having satisfied and on production of all

certificates, the respondents are directed to grant widow's financial assistance to the petitioner within a period of 4 weeks thereafter. It will be open for the petitioner to produce the necessary certificates with regard to the past widow's financial assistance also and if the petitioner has produced all necessary certificates even with regard to past period also, then the respondents are directed to consider the same and pay the arrears to the petitioner also. Rule is made absolute to the aforesaid extent with no order as to costs. Direct Service is permitted.

(M.R.Shah, J)
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